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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,635	12/12/2001	Manfred Atorf	PHDE 000224	9236
24737	7590	06/30/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			BARNIE, REXFORD N	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



# Office Action Summary

Application No.

10/021,635

Applicant(s)

ATORF, MANFRED

Examiner

REXFORD N. BARNIE

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*Rexford N. Barnie*  
REXFORD BARNIE  
PRIMARY EXAMINER

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06/11/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (US pat# 5,758,288) in view of Hillis (US pat# 5,303,297).

Regarding claim 1, Dunn teaches a method of determining location of a cellular unit and calculating billing charges based on location information wherein a fixed station can transmit a signal to a mobile device and then a mobile device transmitting a second signal to a network element and then make billing determination based on the location information in (see fig. 3, col. 15 line 8-col. 16 line 9 and cols. 11-12). Dunn fails to teach for instance that billing can be done using a least cost routing that is choosing a rate lower than a normal rate or choosing rate based on location wherein the rate would be lower/higher than a usual rate, even though according to Dunn, billing or charges would be performed based on location information.

Hillis teaches a dynamic pricing method and apparatus for communication wherein a call rate can change base on location information before placement of a call or during a call in (see disclosure).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Hillis into that of Dunn thus



making it possible to make rate changes based on location information including providing incentives to use in the form of lower cost and from the perspective of a service provider, maximizing revenue by attracting users and encouraging them to use network services when prices are cheaper.

Regarding claims 2-9, the combination teaches transmitting a wireless signal between a transceiver and a mobile unit thus making it possible to determine location of a caller in (see Dunn or Hillis).

Regarding claim 10, Dunn teaches a method of determining location of a cellular unit and calculating billing charges based on location information wherein a fixed station can transmit a signal to a mobile device and then a mobile device transmitting a second signal to a network element and then make billing determination based on the location information in (see fig. 3, col. 15 line 8-col. 16 line 9 and cols. 11-12). Dunn fails to teach for instance that billing can be done using a least cost routing that is choosing a rate lower than a normal rate or choosing rate based on location wherein the rate would be lower/higher than a usual rate, even though according to Dunn, billing or charges would be performed based on location information.

Hillis teaches a dynamic pricing method and apparatus for communication wherein a call rate can change base on location information before placement of a call or during a call in (see disclosure).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Hillis into that of Dunn thus making it possible to make rate changes based on location information including



providing incentives to use in the form of lower cost and from the perspective of a service provider, maximizing revenue by attracting users and encouraging them to use network services when prices are cheaper.

Regarding claims 11-18 and 21-25, the combination teaches communication between communication devices and would have been obvious to use any well-known signaling means.

Claims 20 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (US Pat# 5,758,288) in view of Hillis (US Pat# 5,303,297) and further in view of McLampy et al. (US Pat# 5,566,236).

Regarding claims 20 and 27-29, the combination fails to teach the claimed subject matter but it's well known to have wireline and wireless interface connected respectively to one of a plurality of landline and wireless device wherein one or the other can be used in case of a power failure or any disconnection reasons. McLampy teaches a system and method for re-establishing a disconnected communication by switching a wireless communication to that of a landline in (see col. 7 lines 6-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of McLampy into that of the combination thus making it possible to continue communication even during disconnection of a primary communication device



Claims 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (US pat# 5,758,288) in view of Hillis (US pat# 5,303,297) and further in view of Akheruzzaman et al. (US Pat# 6,263,050).

Regarding claims 19 and 26, the combination fails to teach a wireline and wireless interfaces connected to a wireline and wireless terminals for communication with its inherent power supply as taught by Akhteruzzaman et al.

Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to incorporate the the secondary reference thus making it possible to use a communication device or the other to contact a destination party if one or the other fails to functions properly.

### ***Response to Arguments***

Applicant's arguments filed 02/21/2005 have been fully considered but they are not persuasive.

The applicant argued that the prior art of record fails to teach the lclaimed limitation including transmitting a second signal in response to a first signal and switching rates.

The examiner disagrees because the primary art of record (Dunn) teaches being able to receive a first signal and transmitting a signal to the cell site and according to these information, a determination can be made as to what rate the mobile would be entitled to such as an in or out of zone rate in (see cols. 15-17 of Dunn).

The examiner essentially supplemented Dunn with that of Hillis to teach the ability to dynamically adjust rates based on location or capacity and so forth.



The applicant argued that the combination including Hillis would result in a system wherein a user would have to make a determination whether to make or continue with a call and thus teaches away from the invention.

The examiner disagrees with the applicant because the examiner supplemented the teaching of Dunn with that of Hillis for the purpose of teaching that rate switching or changing based on location determination is well known. The combination teaches that a rate as determined by a service provider based on dynamic factors is used in billing and the fact that a user does or doesn't want to make a call does not change the determined rate.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



Art Unit: 2643

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is 571-272-7492. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER  
REXFORD BARNIE  
06/22/05

  
REXFORD BARNIE  
PRIMARY EXAMINER